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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,393	07/21/2000	Damian Porcari	199-1299	3533
28549	7590	09/10/2004	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			RIMELL, SAMUEL G	
			ART UNIT	PAPER NUMBER
			2175	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,393

Applicant(s)

PORCARI, DAMIAN

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-11,13-15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 7,12 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Preliminary Note: Appellant's arguments submitted with the appeal brief of 6/7/04 have been fully considered and are persuasive. The previous grounds of rejection have therefore been vacated. However, upon consideration of the newly cited prior art reference to Bartell et al., a new grounds of rejection has been applied and this office action is made non-final.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-11, 13, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bartell et al. (U.S. Patent 5,625,767).

Claim 1: As described in FIG. 3 and col. 4, line 63 through col. 5, line 8, the system of Bartell et al. involves the establishment of a plurality of classes. As seen in FIG. 4, source documents (40) are provided and classified into each of the classes (46). This generates theme scores for each class, which are term frequency statistics (44) for each individual class. As further seen in FIG. 4, an unclassified document (204) is entered into the system. As described in col. 9, lines 1-16, and in particular, lines 13-16, a term in the document can initially be assigned a value equal to the frequency of a term in a class, referred to as "F(t,c)". This can be a theme score for the document. The two theme scores will thus match during a portion of the process. The documents are classified into the various classes.

Claim 2: Documents which are not classified (204) are considered misclassified by reason that they do not have the correct classification. The new documents (204) are assigned theme scores as described above.

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Claim 3: The classification process for unclassified documents (204) includes a weighting process (steps 212-218) for specific terms in the document.

Claim 4: The document may be a news article (col. 4, line 51), and thus may inherently include a title.

Claim 5: As seen in FIG. 3 and further described in col. 5, lines 1-9, the classification system includes classes and subclasses.

Claim 6: Col. 5, lines 34-41 outline the process of defining documents in classes and subclasses. Documents from a class can also be placed in a subclass, and thus define related documents in the subclass.

Claim 8: See remarks for claim 1. Note that the classification system includes both classes and subclasses (col. 5, lines 2-8). Theme scores (term frequency statistics) are established for all classes and subclasses in order to classify documents into those classes and subclasses.

Claim 9: See remarks for claim 2.

Claim 10: See remarks for claim 3.

Claim 11: See remarks for claim 4.

Claim 13: With respect to the controller component, see remarks for claim 1. The system of Bartell et al. further includes a document input (10) and a document storage unit (14).

Claim 17: See remarks for claim 3.

Claim 18: Col. 5, lines 2-8 describe the creation of subclasses dependent upon classes.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartell et al. (U.S. Patent 5,625,767) in view of Official Notice.

Claim 14: Col. 4, lines 19-20 suggest the retrieval of documents over a network, but does not specify the Internet. Examiner takes Official Notice that the Internet was a well known network based source for documents at the time of the invention.. It would have been obvious to one of ordinary skill in the art to modify Bartell et al. to provide access to documents over the Internet so as to provide access to a wider array of documents as well as providing economical access as is well known in the art.

Claim 15: Bartell et al. differs in that it does not disclose a scanner. Examiner takes Official Notice that it was well known in the art at the time of the invention to scan documents in order to store them in computer memory. Scanners are standard peripheral to computers. It ~~would have been obvious to one of ordinary skill in the art to modify Bartell et al. to include a~~ scanner so as to permit selective user input of documents as is well known in the art.

Claims 7, 12 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'Sam Rimell', with a stylized, cursive script.

Sam Rimell
Primary Examiner
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